

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PROGRESSIVE CASUALTY INS. CO.,

Plaintiff,

vs.

JACKIE K. DELANEY, et al.,

Defendants.

Case No. 2:11-cv-00678-LRH-PAL

ORDER

(Mtn to File Under Seal - Dkt. #119)

This matter is before the court on Defendant Federal Deposit Insurance Company, as Receiver's, ("FDIC-R") Motion to Seal Exhibits E and F to Declaration of Joseph M. Saka in Support of Motion to Compel Compliance with the Court's December 11, 2013, Order (Dkt. #119) filed April 2, 2014. The court has considered the Motion.

The Motion seeks an order pursuant to LR 10-5(b) permitting the FDIC-R to file Exhibits E and F of the Declaration of Joseph M. Saka (Dkt. ##117, 118) under seal. The Declaration was filed in support of the FDIC's Motion to Compel Compliance with the Court's December 11, 2013, Order (Dkt. #116), and both were filed on April 2, 2014. The FDIC-R represents that Plaintiff Progressive Casualty Insurance Company designated the records contained in Exhibits E and F to the Declaration of Joseph M. Saka as confidential pursuant to the court's Protective Order (Dkt. #63), which was entered October 4, 2013.

As set forth in the court's Order (Dkt. #64), the court approved the parties' blanket protective order to facilitate discovery exchanges, and the court "has not found that any specific documents are secret or confidential." Order (Dkt. #64) at 2:2-4. The FDIC-R has not made a showing of good cause to support sealing the documents. A party seeking to seal documents attached to non-dispositive motions must make a "particularized showing under the good cause standard of Rule 26(c)."

1 *Kamakana*, 447 F.3d at 1180 (citing *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135, 1138
2 (9th Cir. 2003)). The court appreciates that the Motion to Seal was filed to comply with the FDIC-R's
3 obligation to treat documents designated by opposing counsel as confidential, but the conclusory
4 statement that Plaintiff designated the documents as confidential does not establish good cause for
5 sealing Exhibits E and F to the Declaration of Joseph M. Saka, which was filed in support of the FDIC-
6 R's Motion to Compel Compliance.

7 For these reasons,

8 **IT IS ORDERED:**

- 9 1. The FDIC-R's Motion to Seal Exhibits E and F to Declaration of Joseph M. Saka in
10 Support of Motion to Compel Compliance with the Court's December 11, 2013, Order
11 (Dkt. #119) is DENIED WITHOUT PREJUDICE.
- 12 2. Plaintiff shall have until **April 25, 2014**, to file a memorandum of points and authorities
13 and any supporting declaration or affidavit to make a particularized showing of good
14 cause why Exhibits E and F to the Sealed Declaration of Joseph M. Saka (Dkt. #117)
15 should remain under seal.
- 16 3. Exhibits E and F to the Sealed Declaration of Joseph M. Saka (Dkt. #117) shall remain
17 under seal until April 18, 2014. If Plaintiff fails to timely comply with this order, the
18 Clerk of the Court is directed to unseal the documents to make them available on the
19 public docket.

20 Dated this 11th day of April, 2014.

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24 PEGGY A. LEEN
25 UNITED STATES MAGISTRATE JUDGE
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